United Nations A/AC.278/2011/4

General Assembly

Distr.: General
17 May 2011

Original: English

Open-ended Working Group on Ageing
First working session
New York, 18-21 April 2011

Report of the Open-ended Working Group on Ageing

Rapporteur: Léo **Faber** (Luxembourg)

I. Organization of the session

A. Opening and duration of the session

1. The Open-ended Working Group on Ageing held its first working session, consisting of six meetings, at United Nations Headquarters from 18 to 21 April 2011.

2. The session was opened by the Chair of the Working Group, Jorge Argüello (Argentina), who made a statement.

B. Attendance

3. The session was attended by representatives of States Members of the United Nations. Representatives of organizations of the United Nations system and observers for intergovernmental and non-governmental organizations also attended. A list of participants is contained in document A/AC.278/2011/INF/1.

C. Election of officers

4. At the 1st meeting of its first working session, on 18 April, the Working Group elected Mozah Al-Kaabi (Qatar) as Vice-Chair.

5. At its 6th meeting, on 21 April, the Working Group designated the Vice-Chair of the Working Group, Léo Faber (Luxembourg), to also assume the responsibilities of Rapporteur for the first and second working sessions.

11-34490 (E) 020611

Please recycle

D. Adoption of the Agenda and organization of work

6. At the 1st meeting of its first working session, the Working Group adopted the provisional agenda for its working sessions, as contained in document A/AC.278/2011/3. The agenda read as follows:

1. Election of the Bureau.
2. Adoption of the agenda and other organizational matters.
3. Participation of non-governmental organizations in the work of the Open-ended Working Group on Ageing.
4. Existing international framework on the human rights of older persons and identification of existing gaps at the international level.
5. Other matters.
6. Adoption of the report.

7. At the same meeting, the Working Group approved the proposed organization of work for its first working session, as set out in an informal paper, available in English only.

E. Participation of non-governmental organizations in the work of the Open-ended Working Group on Ageing

8. At the 1st meeting of its first working session, the Working Group decided to grant accreditation to the following non-governmental organizations to participate in its work:

AgeWell Foundation (India)

Gerontólogos Argentinos Asociación Civil (Argentina)

International Longevity Center Global Alliance (United States of America)

F. Documentation

9. The list of documents before the Open-ended Working Group at its first working session and the list of participants to the session are available from http://social.un.org/ageing-working-group/firstsession.shtml.

II. Existing international framework on the human rights of older persons and identification of existing gaps at the international level

10. The Working Group considered item 4 of its agenda at the 1st to the 6th meetings of its first working session, from 18 to 21 April 2011. It held a general discussion of the item at its 1st meeting.

11. At its 1st meeting, on 18 April, the Working Group heard statements by the representatives of the following countries: Argentina, Australia, Canada, Chile,

China, Denmark, France, Hungary (on behalf of the European Union), Japan, Pakistan, Qatar, Republic of Korea, Sweden, Switzerland, Syrian Arab Republic, the United Kingdom of Great Britain and Northern Ireland and the United States.

12. At the same meeting, a statement was made by the representative of the United Nations Population Fund.

13. Also at the 1st meeting, statements were made by representatives of the following non-governmental organizations: International Federation on Ageing (on behalf of the International Coalition for the Rights of Older People); HelpAge International; and International Network for the Prevention of Elder Abuse.

Panel discussion on "Setting the scene: existing international framework on the human rights of older persons"

14. At its 2nd and 3rd meetings, on 19 April, the Working Group held panel discussions on the topic "Setting the scene: existing international framework on the human rights of older persons".

15. At the 2nd meeting, the panel discussion was moderated by the Acting Director, Division for Social Policy and Development, Department of Economic and Social Affairs of the Secretariat. Presentations were made by the Officer-in-Charge of the Development and Economic and Social Issues Branch, Office of the United Nations High Commissioner for Human Rights (OHCHR); Rocío Barahona Riera, independent expert of the Committee on Economic, Social and Cultural Rights; and a representative of the International Labour Organization (ILO) Employment Policy Department (also on behalf of the Chief, Policy Development and Research Group, ILO Social Security Department).

16. The Working Group then held a dialogue with the panellists, in which the delegations of the following countries participated: Argentina, Brazil, Chile, El Salvador, Qatar and Saint Lucia. The representatives of the following non-governmental organizations also participated: AgeWell Foundation, International Association of Gerontology and Geriatrics, International Federation on Ageing and International Network for the Prevention of Elder Abuse.

17. At the 3rd meeting, the panel discussion was moderated by the Officer-in-Charge of the Development and Economic and Social Issues Branch, OHCHR. Presentations were made by Amna Ali Al-Suwaidi, independent expert and member, Committee on the Rights of Persons with Disabilities; Ferdous Ara Begum, gender issues specialist and former member of the Committee on the Elimination of Discrimination against Women and Bridget Sleap, senior rights policy adviser, HelpAge International also participated.

18. The Working Group then held a dialogue with the panellists, in which the delegations of the following countries participated: Argentina, Bangladesh, Brazil, Germany and Qatar. The representatives of the following non-governmental organizations also participated: Gray Panthers; International Network for the Prevention of Elder Abuse; AgeWell Foundation; American Association of Retired Persons; and International Federation on Ageing.

Panel discussions on "Setting the scene: existing regional framework or mechanisms on the human rights of older persons"

19. At its 4th and 5th meetings, on 20 April, the Working Group held panel discussions on the topic "Setting the scene: existing regional framework or mechanisms on the human rights of older persons".

20. At the 4th meeting, the panel discussion was moderated by the Vice-Chair of the Working Group (Luxembourg). Presentations were made by the following panellists: Reine Alapini-Gansou, Chair of the African Commission on Human and Peoples' Rights; Mario López, senior human rights specialist at the Inter-American Commission on Human Rights; and Virginia Bras Gomes, senior social policy adviser at the Ministry of Labour and Social Solidarity of the Government of Portugal.

21. The Working Group then held a dialogue with the panellists, in which the delegations of the following Member States participated: Argentina, Benin, Brazil, Guatemala and the Netherlands. The observer for the European Union also participated.

22. At the 5th meeting, the panel discussion was moderated by the Director of the Population Division, Economic Commission for Latin America and the Caribbean. Presentations were made by the following panellists: Kavita Chetty, legal officer at the Scottish Human Rights Commission; Javier Vasquez, Pan American Health Organization (PAHO)/World Health Organization; and Makmur Sunusi, Director-General for Social Services and Rehabilitation, Ministry of Social Services of the Government of Indonesia.

23. The Working Group then held a dialogue with the panellists, in which the delegations of the following countries participated: Argentina, Brazil, Dominican Republic, El Salvador, Qatar and Switzerland. The representatives of the following non-governmental organizations also participated: International Network for the Prevention of Elder Abuse, HelpAge International, International Association of Gerontology and Geriatrics and AgeWell Foundation.

Discussion on "Identification of existing gaps at the international level and measures to address them"

24. At the 6th meeting, on 21 April, the Working Group held a discussion on the topic "Identification of existing gaps at the international level and measures to address them", facilitated by Ms. Bras Gomes and Ms. Alapini-Gansou, who made introductory statements.

25. An interactive dialogue ensued, in which the delegations of the following countries participated: Argentina, Austria, Brazil, Canada, Chile, China, Costa Rica, Dominican Republic, Egypt, Guatemala, Hungary (also on behalf of the European Union), Japan, Jordan, Netherlands, Pakistan, Qatar, Senegal, Sweden, Switzerland and the United States. Also participating were the Officer-in-Charge of the Development and Economic and Social Issues Branch, OHCHR, Ms. Barahona Riera, independent expert of the Committee on Economic, Social and Cultural Rights, and Ms. Begum.

III. Chair's summary of the key points of the discussions

26. Also at the 6th meeting, the Working Group was informed that there would be a Chair's summary of the key points of the discussions, to be prepared by the Chair and the bureau in collaboration with the secretariat. The Chair's summary reads as follows:

General overview

In December 2011, the General Assembly established an open-ended working group open to all States Members of the United Nations for the purpose of strengthening the protection of the human rights of older persons by considering the existing framework on the human rights of older persons and identifying possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures.

Its first working session concluded on 21 April, after a four-day series of panel presentations and discussions about the current situation of the human rights of older persons. Expert panellists from different backgrounds, experiences and origin considered the existing international and regional human rights framework and mechanisms, offered information about recent developments, and identified and reflected on a number of gaps in the protection systems. The ensuing interactive dialogues led to identification of some measures to address them at the international level.

The session showed broad agreement among Member States, non-governmental organizations, United Nations agencies and entities and independent experts about the need to discuss the protection and promotion of human rights for this large and growing sector of society. Overall there was recognition of the particular nature of some human rights challenges faced by older men and women that had thus far not been adequately addressed.

Also agreed was that significant gaps existed in the protection afforded to the human rights of older persons, including in current data collection but also on statistics and specific information provided by States at the international level to treaty monitoring mechanisms. Without these tools, it was harder to ensure effective monitoring and to assess the fulfilment of all human rights without discrimination. Delegations noted the need to tackle implementation gaps at the national and international levels and offered views on some measures to achieve stronger results. Some delegations also identified normative gaps and called attention to the weaknesses of a fragmented system in providing effective protection. Furthermore, some delegations, non-governmental organizations and experts called for a binding instrument in addition to dedicated mechanisms and further measures to address these gaps.

Day one: current situation of the human rights of older persons

The Chair of the Working Group opened the first working session on 18 April 2011 by highlighting that the percentage of the world's population aged 60 or older was expected to double by 2050, to an unprecedented 21.7 per cent. He noted the compound impact on the human rights of older persons of age discrimination, neglect and violence. He expressed concern about the

invisibility of persons over 60 years old around the world. He also stressed that that progress towards effective solutions could only be made through in-depth debate and understandings with broad support.

The first day of the session was well attended, with over 80 delegations in the room, as well as several United Nations agencies and non-governmental organizations. Seventeen delegations took the floor, one on behalf of the European Union, one on behalf of the United Nations Population Fund and three on behalf of non-governmental organizations.

Member States generally welcomed the establishment of the Open-ended Working Group in the light of the challenges they are facing with ageing populations. Several delegations welcomed the opportunity to consider the human rights implications of current and future demographic changes, as well as to share experiences, policies and practices.

A number of delegations acknowledged that men and women face specific human rights issues as they grow older and raised concerns about age discrimination, neglect and violence. Some delegations noted existing obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the potential offered by the more recent Convention on the Rights of Persons with Disabilities. Some delegations also referred to other international instruments under the auspices of ILO. Some delegations regretted that only two of these instruments contained any specific reference to older persons at all.

In terms of non-binding instruments, some delegations mentioned the 1982 Vienna International Plan of Action on Ageing, the 1991 United Nations Principles for Older Persons, and the 2002 Madrid International Plan of Action on Ageing as tools for designing public policy specific to older persons. Some delegations remarked that they look forward to receiving the outcome of the review process of the Madrid International Plan of Action on Ageing in 2012 as an opportunity for a coordinated approach to addressing the rights issue.

Several delegations acknowledged that those instruments had not been sufficiently used or been consistently implemented. Some delegations considered they did not offer an adequate standard of protection to the human rights of older persons and that further measures were needed, including a convention.

Delegates expressed views on the need to devote attention to particular issues, such as those related to access to and availability of health services or further consideration of retirement ages. Some delegations made reference to the importance of long-term care, including as it related to housing and transportation policies to enhance independent living, and the need to provide technologies and support devices to the elderly. For some delegations it was also important to stress active ageing and to recognize the contribution older persons continue to make to their communities and to society at large. Empowerment of older persons was observed as a central dimension of their human rights and participation in development.

The improvement of the living conditions of older persons and the respect of their rights implied also a reinforcement of international cooperation to fully accommodate the concerns of developing countries, which would face greater challenges in coping with their ageing issues. For instance, cooperation between regional human rights bodies was needed to exchange good practices.

In addition, a few delegates referred to the negative impact of retrogressive measures on social protection schemes caused by the financial crises.

Some delegations and non-governmental organizations noted the fragmentation of existing human rights treaties, and also noted that although the Madrid International Plan of Action contained some references to human rights, it was a non-binding document. They called for stronger protection of a binding nature as a way of addressing current gaps in the international human rights system.

Some delegations called for a holistic approach to ageing, while others noted that a convention on the rights of older persons could facilitate such an approach. It would clarify State responsibilities towards older persons and improve accountability but would also provide a framework for policy and decision-making. In addition, a convention could remedy the existing gaps in the current mechanisms and instruments and play a critical role in bringing about a paradigm shift that would help reframe older persons as rights holders rather than recipients of welfare and charity.

Most delegations agreed that further discussion and analysis would be necessary to find widespread agreements in order to move forward in strengthening the protection of the human rights of older persons.

Day two: setting the scene: existing international framework on the human rights of older persons

The second day of discussions, 19 April 2011, was organized around two panels to examine existing international instruments and mechanisms on the human rights of older persons. Panellists included independent experts from the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of Persons with Disabilities, as well as a former member of the Committee on the Elimination of Discrimination against Women. Also taking part in the panels were representatives from OHCHR, ILO and the international non-governmental organization HelpAge International.

The Officer-in-Charge of the Development and Economic and Social Issues Branch, OHCHR, offered an overview of the existing international human rights framework and mechanisms as they related to human rights of older persons. He underscored that several provisions in human rights treaties applied to older persons as they are universal, but noted there was no specific instrument devoted to that segment of the population and few existing instruments had explicit references to age. He reminded participants that two treaty monitoring mechanisms had developed dedicated standards to address the particularities of older persons and highlighted recent work by special procedure mandate holders in relation to older persons. He mentioned that while there were existing mechanisms and provisions, the protection regime at

the international level appeared fragmented and there were critical issues not adequately addressed. Some of the substantive issues he underscored were multiple discrimination and the uneven focus on a few economic, social and cultural rights, with less attention devoted to civil and political rights.

Ms. Barahona Riera, member of the Committee on Economic, Social and Cultural Rights, referred to the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol (see General Assembly resolution 63/117), which provide for some human rights (such as social security, health and adequate standard of living) that are central to older persons and set forth mechanisms for international protection. She noted that older persons are covered both by binding international instruments and by declarations of principles. She noted in particular general comment No. 6 of the Committee, on the economic, social and cultural rights of older persons (1995), which constituted the first treaty-body document specifically addressing the rights of older persons. She also mentioned general comment No. 19, on the right to social security (2008) and No. 20, on non-discrimination in economic, social and cultural rights (2009), the latter addressing age-related discrimination as a prohibited ground under the Covenant in several contexts. She noted that older persons were unlike other vulnerable groups who were protected by a specific convention. She regretted that despite a clear need, there were still insufficient reliable indicators to monitor the protection of older persons over time. She concluded by highlighting that in the past decade, some countries had started to introduce specific laws and public policies to protect older persons. Those initiatives were much broader than simply addressing non-discrimination of older persons. She stressed the role of ombudsmen and national human rights institutions in monitoring the situation of older persons in the light of national legislation and policies.

The representative of the ILO Employment Policy Department stressed the importance of ILO recommendation 162, on older workers (1980). She highlighted the view of ILO about centrality of employment promotion, with consequences for all age groups. In that regard, she stressed the need to address the "youth employment and 'the lump of labour' fallacy". She stressed the critical need to combat prejudice and age discrimination, including through legislation. She also focused on better working conditions, including fostering employability and lifelong learning and adapting working time and flexible pathways to retirement.

Regarding social security, the representative of the ILO Employment Policy Department said that the real challenge is that the majority of older persons had no access to social security. Only a minority of the world's working population contributed to any pension scheme and, consequently, only a few had and can afford access to health-care services. She stated that unless action was taken, the coverage gap would worsen in the future: 63 per cent of the world's older persons lived in less developed regions with the lowest social security coverage, and that percentage would increase to 78 per cent by 2050. The majority would be in Asia, with more women than men not covered. Implementing a social protection floor could help to realize the right to social security, effectively reduce poverty, enhance productivity and growth, facilitate economic change and secure social peace. Furthermore, it had been demonstrated to be feasible and affordable for developing countries.

In her presentation, the representative of the OHCHR Committee on the Right of Persons with Disabilities emphasized the point of increasing numbers of older persons who were often subject to social exclusion, inequality, discrimination and violence. She called for increased visibility on the issue and human rights protection for older persons in the same way as persons with disabilities. While referring to the various existing international human rights instruments and standards, she noted that very few referred specifically to older persons. She also noted the absence of a proper monitoring mechanism and data-collection system on older persons. She called for the establishment of a binding international convention on the rights of older persons that would create a legal framework that defined their rights, identified the responsibilities of Member States, the criteria and steps needed for their protection, as well as the creation of a database on the rights and needs of older persons.

In her presentation, Ms. Begum, former member of the Committee on the Elimination of Discrimination against Women, focused on the most recent development on the rights of older persons, namely, general recommendation No. 27 of the Committee on the Elimination of Discrimination against Women. Addressing all aspects of older women's rights, the general recommendation acknowledged that the full development of women could not be achieved without taking a life-cycle approach, recognizing that the different stages of women's lives had an impact on the enjoyment of their human rights when they reach old age. Older women were the most vulnerable, facing more social stereotypes, while generally participating less in their societies and benefiting from fewer available opportunities. They were also more prone to verbal, sexual and psychological aggression and financial constraints, and often faced multiple instances of discrimination.

She noted that effective implementation of the general recommendation required the commitment of States towards the elimination of discrimination against older women by incorporating international standards into domestic legislation and practices. She also noted that general recommendation No. 27 referred only to women and noted that a strong implementation and monitoring mechanism at the international level could enhance and strengthen the overall protection of human rights of older persons.

Ms. Sleap of HelpAge International noted that there was an urgent need to increase the protection of older persons from abuses, discrimination and marginalization. She referred to the multiple discrimination older persons are suffering from and the lack of an international legal framework providing them with protection. Her presentation included comparative charts based on a review of all the treaty bodies and special rapporteurs' reports and recommendations since 2000 to illustrate the fact that a systematic approach was lacking and to point out how rarely attention was dedicated to the situation of older persons, in particular in the area of civil and political rights. In her view, a new international instrument would be an essential measure to redress the current situation, to provide clarity for rights-holders and duty-bearers and to make age discrimination legally unacceptable universally.

Another central challenge for older persons was living with dignity. The very process of ageing could threaten older people's dignity as they were

perceived by others to be inherently less valuable to society. Independence, participation and autonomy were critical components of dignity. In particular, older persons should be perceived as active members of their societies and not only as recipients of social protection.

In the ensuing dialogues after both panels, delegations reflected on a broad range of issues including social exclusion, economic insecurity, lack of adequate data on ageing issues and insufficient coverage of social security. Delegations brought to the fore the link between development and human rights, and recalled the importance of in-depth discussions about direct, indirect and multiple discriminations and their impact in the exercise of numerous rights. Some delegations noted that the Working Group offered an opportunity to standardize concepts that could then gain a universal dimension, while others cautioned about the substantive resources required on the part of Governments to ensure implementation and that those resources were lacking in many countries, especially in developing countries. There was also very little attention paid in the international human rights framework to equality and non-discrimination and virtually nothing that addresses the multiple forms of discrimination that older people can experience.

Some delegations illustrated, through country examples, a prevailing youth-oriented and "ageist" culture that was widening and had led to a gradual exclusion, marginalization and de-prioritization of older people's rights in many ways.

Some delegations, expert and non-governmental organizations also stressed the importance of a dedicated binding instrument that would offer effective protection to older people, including immediate obligations with regard to non-discrimination and guarantees of non-retrogression of all protected rights. While there were articles in two treaties already ratified by a majority of States and general comments that tackle older persons, those articles were fragmented and provided insufficient protection. Delegations observed that, although there was a pressing need for such protection in developing countries with rapid demographic shifts, it was also an issue for developed countries where the economic crisis had led to retrogression in public policies that has had a detrimental impact on older people.

One delegation noted that, instead of further instruments, the best way to address some of the gaps identified would be to encourage the treaty bodies and human rights mechanisms to focus more on older persons and use existing instruments.

One delegation further noted the importance of non-governmental organizations' participation in bolstering further awareness and visibility on the situation of older persons and their entitlements as rights-holders.

Day three: regional human rights framework, measures and mechanisms

On 20 April 2011, the two panels were aimed at analysing the work of the regional human rights systems in addressing the human rights of older persons and also offered a glimpse of national experiences from the perspective of an independent national human rights institution. Panellists included the Chair of the African Commission for Human and Peoples' Rights,

a senior lawyer from the secretariat of the Inter-American Commission for Human Rights, as well as an expert from the European Human Rights System and from the Association of Southeast Asian Nations. Other panellists included the human rights adviser from PAHO and a legal expert from the Scottish Human Rights Commission.

Presentations showed that, in recent years, regional human rights systems had been grappling with measures to strengthen protection mechanisms for older persons, including the consideration of dedicated binding instruments. A first illustrative example was offered by Ms. Alapini-Gansou of the African Commission on Human and Peoples' Rights. Ms. Alapini-Gansou, who remarked that in 2007 the African Commission had established a working group that focused on the development of a protocol on the human rights of older persons, in the light of the global but rather vague protection afforded to this population group in the African Charter on Human and Peoples' Rights. A draft project was submitted for consideration during the forty-eighth regular session of the African Commission on Human and Peoples' Rights, held in November 2010. She noted that in the African human rights system, such as the 2003 Protocol on the Rights of Women in Africa, article 22, references to older persons were more explicit than in international mechanisms. Ms. Alapini-Gansou also noted that the African Court on Human and Peoples' Rights offered a protection system for the present and future in the sense that it allowed for individual communications under the existing provisions, a mechanism that had not yet been applied to older persons.

A second regional perspective was offered by Mr. López on behalf of the secretariat of the Inter-American Commission for Human Rights. Mr. López started his presentation by mentioning that, since 2009, Member States had committed to promoting the drafting of an inter-American convention on the rights of older persons. More recently, in October 2010 the Permanent Council of the Organization of American States carried out a special session on the rights of older persons, where several States called for a dedicated regional instrument. Mr. López outlined the various channels offered by both the Commission and the Court to consider individual petitions, grant precautionary measures in matters of urgency, carry out country missions, issue thematic reports and develop advisory opinions on issues arising from the interpretation of the convention. Mr. López noted that the Inter-American Court had decided on very few but important cases involving issues explicitly linked to the rights of older persons, notably on social security and retirement, but also related to the duty of States to ensure the autonomy and continuing functionality of older persons, by ensuring the enjoyment of their rights to adequate food and access to clean water and health care. Two other decisions had dealt with urgent measures for the protection of persons deprived of liberty, specifically regarding their life and personal integrity and the arrest and imprisonment of women over 65 years of age, in violation of that country's national legislation.

In her presentation, Ms. Bras Gomes of the Ministry of Labour and Social Solidarity of the Government of Portugal outlined some of the most important binding human rights instruments for the 47 Member States, including the European Convention on Human Rights, the European Social Charter and its Additional Protocol of 1992, offering specific protection for

older persons in relation to social security. She also offered an overview of several political declarations and other instruments that have explored specific issues related to a wide range of matters, both in relation to non-discrimination and to the framework of social policy, retirement, access to health services and pensions. Ms. Bras Gomes noted that pension policy reforms were ongoing and had been accelerated as a result of the economic crisis. She also noted that specific groups of older persons, such as older migrants, older persons with disabilities, the "oldest" old and dependent older persons, required close attention from policymakers, particularly in the realm of long-term care and special measures of protection.

Mr. Sunusi, on behalf of the Association for Southeast Asian Nations, offered considerations on the ageing profile of the region as well as ongoing discussions for policy design and implementation. Mr. Sunusi noted the cultural context and the need to consider the family structure when addressing ageing in south-east Asian societies. He noted that there was an initiative to provide a common platform for the protection of older persons and increasing interest in the issue in the region, where the growth of the older population was the fastest in the world. He made reference to the Brunei Darussalam Declaration on Strengthening Family Institution: Caring for the Elderly, adopted in 2010.

The presentation by Ms. Chetty on behalf of the Scottish Human Rights Commission illustrated in a concrete way the relevant role national human rights institutions played in bridging national situations to international standards and norms, and in responding to the specific claims brought to their attention. Based on a series of national consultations carried out at the onset of the work of this Commission, a participatory survey led to the current focus on older persons in social care services and their specific human rights challenges. As a result, emphasis had been placed on dignity, autonomy and participation in applying human rights standards to the unique forms of physical, mental and emotional vulnerabilities experienced by some older persons. Ms. Chetty discussed examples of the Commission's work implementing the human rights-based approach and strengthening both the empowerment of rights-holders and the accountability and ability of duty-bearers. Since in several countries national human rights institutes had an independent mandate that allowed them to access information and reach out to Government officials, those independent bodies were already playing a role at the national level in shedding light on the rights of older persons.

Referring to the fact that a number of United Nations agencies had also taken steps to increase their attention on the human rights of older persons, Mr. Vasquez, from PAHO, made reference to resolutions on health and ageing that contained explicit references to the human rights dimensions of the issue. He offered a comprehensive overview of certain human rights, such as the right to food, to housing, to water and sanitation, to freedom from torture, cruel and inhumane treatment and to privacy, which were all essential when considering the health of individuals. Mr. Vasquez also referred to some critical areas to be regulated in long-term care facilities.

Various Member States considered that a convention on the rights of older persons would complement the existing regional mechanisms and

instruments, and give protection and dignity to older persons. Older persons also needed to speak out: on the one hand they needed to better organize themselves, but on the other hand they needed to be consulted more often through a participatory approach. One Member State also emphasized that it was important to strengthen the implementation of the Madrid International Plan of Action on Ageing and the work of the regional commissions on human rights, instead of establishing a new international instrument. During the discussion, Ms. Chetty noted that many regional frameworks remained untapped and that that situation could be improved. However, there was also inconsistency within these frameworks, which could be improved with a coherent instrument, such as a convention.

Day four: identification of gaps and measures to address them

During the session on 21 April 2011, the discussion focused on identification of gaps and measures to address them. The session was organized as a plenary discussion with Ms. Bras Gomes and Ms. Alapini-Gansou as facilitators.

Ms. Bras Gomes opened the session by offering a summary account of the mandate of the Open-ended Working Group in the light of the several dialogues that had already taken place and proposed to consolidate the various gaps that had been brought up in four categories for ease of reference. The categories were normative gaps, implementation gaps, monitoring gaps and information gaps.

A total of 20 delegations and 5 non-governmental organizations took the floor.

All representatives recognized the importance and pressing nature of the situation of older persons and committed to continue participating in the August session of the Working Group. Delegates welcomed the opportunity to consider different kinds of gaps and acknowledged the usefulness of the previous days of discussion in offering a first joint exercise to identify various non-exclusive and complementary proposals of various kinds.

Several proposals were put forward and discussed as responses to such gaps, while acknowledging that further consideration was needed and that they were not mutually exclusive by nature:

- A new international convention on the human rights of older persons
- A new special rapporteur or independent expert to study and report on the situation of older persons and make recommendations on how best to address the issue
- More effective monitoring of the Madrid International Plan of Action on Ageing at the global level, particularly during the second review and appraisal of the Plan
- More effective implementation of existing instruments, including international human rights instruments, United Nations principles and plans of action

- Mainstreaming older persons issues in the work of existing human rights mechanisms and in policies and programmes at the national level
- Commissioning studies on various questions relating to the human rights of older persons
- Strengthening national data collection, disaggregation and update, including with better statistics systems and the use of human rights indicators and benchmarks
- Encouraging new general comments by those treaty bodies that had not yet adequately addressed the question of older persons
- Strengthening national monitoring mechanisms (including of care facilities and in private and public spheres)
- Strengthening partnerships and better coordination among delegations, regional commissions, national human rights institutions, United Nations agencies and civil society organizations providing contributions and expert advice
- Developing a database on national focal points on the human rights of older persons with a view to collecting and disseminating information around the work of the Working Group
- Supporting the participation of older persons and their organizations in the work of the Working Group

IV. Adoption of the report on the organizational session

27. At its 6th meeting, on 21 April, the Working Group adopted the draft report on its first working session (see A/AC.278/2011/L.3).